

**From:** [Moser, Rebecca](#)  
**To:** [Fine, Steven](#)  
**Cc:** [Grogard, Megan](#); [Jones-Parra, Lisa](#); [Shenefiel, Pam](#); [Gottesman, Larry](#); [Byrd, Jonda](#)  
**Subject:** Draft Response for Senator Bennet (D-CO) re: FOIA  
**Date:** Thursday, June 1, 2017 7:27:07 PM  
**Attachments:** [FOIA Letter - EPA.PDF](#)  
[OEIP Revisions to Bennet Letter 06-01-2017 LFG RM.docx](#)

---

Steve:

Attached for your review is a draft response to an incoming letter from Senator Bennet regarding EPA's FOIA activities (also attached). This response has been in the works for some time among OEI, OGC, and OCIR, and this is the latest version (includes the most recent OEIP markups). *OCIR and OGC will need to review the final version once more before we ask you to sign it.*

Please let us know if you have any additional revisions to the current draft. Thank you!

Rebecca

Rebecca Moser, Director  
Office of Enterprise Information Programs (OEIP)  
Office of Environmental Information (OEI)  
U.S. Environmental Protection Agency  
Phone: 202-566-0252  
Fax: 202-566-1624

MICHAEL F. BENNET  
COLORADO

COMMITTEES:  
AGRICULTURE, NUTRITION, AND FORESTRY

FINANCE

HEALTH, EDUCATION, LABOR,  
AND PENSIONS

## United States Senate

WASHINGTON, DC 20510-0609

WASHINGTON, DC:  
458 RUSSELL SENATE OFFICE BUILDING  
WASHINGTON, DC 20510  
(202) 224-5852

COLORADO:  
1127 SHERMAN STREET  
SUITE 150  
DENVER, CO 80203-2398  
(303) 455-7600

<http://www.bennet.senate.gov>

March 15, 2017

Mr. Kevin S. Minoli  
Acting General Counsel  
Environmental Protection Agency  
1200 Pennsylvania Ave., N.W.  
Washington, D.C. 20460

Dear Mr. Minoli:

I write to inquire about your Agency's regulations, guidance, processes, and standards for implementing the Freedom of Information Act (FOIA). As you know, FOIA provides vital transparency and access to information for the American people.

The FOIA Improvement Act of 2016 requires agencies to adopt a presumption of openness, withholding information "only if . . . disclosure would harm an interest protected by an exemption" or "disclosure is prohibited by law."<sup>1</sup> I would appreciate your assistance in confirming that your Agency is in full compliance with the FOIA, including the new requirements of the 2016 Act.

I would appreciate if you could please identify and explain what changes your Agency has made to the way it implements FOIA, including any updated or new regulations, guidance, processes, procedures, standard operating procedures, bulletins, or notices. In particular, please also identify and explain any changes your Agency has made to comply with the recent changes to the FOIA. For these materials, please identify the date on which changes were made and the manner in which they differ from prior implementation materials. Please also provide training materials for Agency employees on complying with the FOIA, as well as any written instructions provided to individuals who are involved in searches for responsive records to FOIA requests.

In addition, I wish to inquire about what effect proposed budget cuts may have on your Agency's FOIA responses. Please provide information on your Agency's funding and staffing for FOIA operations for each of the past five fiscal years, and any projection available on how proposed budget cuts would affect funding and staffing in FY2018. Please also provide statistics on the number of FOIA requests your Agency received and processed in FY2016, as well as its FOIA backlog, for each of the past five fiscal years.

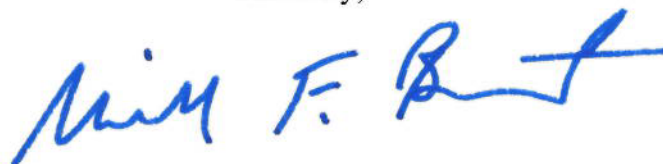
---

<sup>1</sup> FOIA Improvement Act of 2016 § 2 (Pub. L. No. 114-185)

Finally, moving forward, I would appreciate that you notify my office any time you make changes to your FOIA guidance, processes, or standards.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael F. Bennet". The signature is fluid and cursive, with the first name "Michael" written in a larger, more prominent script than the last name "Bennet".

Michael F. Bennet

DRAFT

Senator Michael F. Bennet  
United States Senate  
458 Russell Senate Office Building  
Washington, DC 20510-0609

Dear Senator Bennett:

This is in response to your letter addressed to Kevin Minoli, Acting General Counsel dated March 15, 2017, regarding the Environmental Protection Agency's (EPA's) implementation of the Freedom of Information Act (FOIA), and the new requirements resulting from the FOIA Improvement Act of 2016 (Act). I have been asked to respond on behalf of the Agency.

EPA receives an average of 10,500 FOIA requests from the public each year. The Agency has experienced an increase in the number and complexity of FOIA requests received so far in FY 2017. Based on the current rate of incoming FOIA requests in FY 2017, as compared to FY 2016, EPA is on track to see an approximate 44 percent increase in FOIA requests received.

The Agency has taken a number of steps over the last few years to ensure the efficient management of FOIA responses. In 2012, EPA played a key role in the development of FOIAonline, which is a shared-service FOIA processing and management tool used by multiple agencies, including EPA, to manage FOIA responses. EPA uses the system to track the processing of requests, to communicate with requesters regarding their requests, and to publicly post all documents appropriate for release to the public for anyone to access. Through its use of FOIAonline, EPA has met the Act's codification of the "Rule of Three," which requires that documents that have been requested three or more times be available for public inspection. Since deployment of FOIAonline on October 1, 2012, the Agency has made approximately 831,405 records publicly available. In late 2014, EPA established the FOIA Expert Assistance Team Office to assist Agency program and regional offices in responding to some of the largest and most complex FOIA requests received by the Agency. During FY 2016 alone, the FOIA Expert Assistant Team managed or consulted on 280 FOIA requests — approximately three percent of the 10,294 FOIA requests the Agency received in FY 2016. The Agency released hundreds of thousands of records to the public through FOIA in FY 2016.

At EPA, FOIA is every employee's responsibility. The National FOIA Program located in EPA Headquarters supports FOIA staff in both headquarters and in each of EPA's ten regional offices. EPA has also created National FOIA Procedures for processing requests at the Agency, and each EPA program and regional office has created conforming procedures. Annual FOIA training is provided to all Agency employees, enabling all staff to play a critical role in processing FOIA requests. Through annual FOIA training, staff have been, and continue to be, instructed to apply the "foreseeable harm" standard now codified by the Act. The Agency has also been making strides in reducing its backlogs and successfully closed nine of the ten oldest FOIA requests and all ten of the Agency's ten-oldest appeals in FY 2016.

After the Act was passed, EPA took steps to implement the new requirements of the Act. EPA includes language in all FOIA Administrative Appeal decisions that reflects the requirement that requesters now have 90 days to file an administrative appeal, as opposed to 30

days, and that requesters can obtain assistance from the FOIA Public Liaison and the Office of Government Information Services. EPA also has discussed the requirements of the Act at monthly meetings of FOIA professionals across the Agency. The Agency's FY 2017 FOIA training, which is mandatory for all employees, includes a section that discusses the key components of the Act.

Finally, members of my staff are working with EPA's Office of General Counsel to develop proposed revisions to EPA's FOIA regulations. We also plan to lead an effort to ensure that the National FOIA Procedures are updated to reflect the final changes to the processing requirements once the regulations are updated and finalized. The National FOIA Office and the Office of General Counsel are also planning a national FOIA training conference for EPA FOIA staff and attorneys in September 2017.

Detailed information regarding the number of incoming requests, backlog, and estimated costs relating to FOIA can be found in EPA's FOIA Annual Reports submitted annually to the Department of Justice. Reports dating back to 2007 are available at <https://www.epa.gov/foia/foia-reports-annual>. Since the FY 2018 budget has not yet been passed, it is premature to comment on FY 2018 funding or staffing at this time.

If you have any additional questions, please feel free to have your staff contact [OCIR point of contact].

Sincerely,

Steven Fine, Ph.D.  
Acting Assistant Administrator and  
Acting Chief Information Officer

**From:** [Grogard, Megan](#)  
**To:** [Moser, Rebecca](#)  
**Cc:** [Jones, Monica](#); [Gottesman, Larry](#); [Jones-Parra, Lisa](#); [Simon, Harvey](#); [Fine, Steven](#)  
**Subject:** ACTION: FOIA Privacy Concern from Sen. Sasse of NE  
**Date:** Wednesday, March 8, 2017 12:43:11 PM  
**Attachments:** [17-000-5104.pdf](#)  
**Importance:** High

---

Hi Rebecca,

We received the message below from OCIR along with the attached letter from Senator Ben Sasse (R-NE), which asks Administrator Pruitt to prioritize a few items of interest to Nebraskans, including the following action related to FOIA:

7. Protect the Privacy of Farmers and Ranchers: In 2013, EPA responded to a Freedom of Information Act (FOIA) request by releasing sensitive, private and personal information relating to more than 100,000 farmers and ranchers, including individuals from Nebraska. In a unanimous ruling, the Eighth Circuit Court of Appeals noted that EPA "abused its discretion in deciding that the information at issue was not exempt from mandatory disclosure under Exemption 6 of FOIA." Exemption 6 relates to "information involving matters of personal privacy (protected under the Privacy Act or contains sensitive personally identifiable information)."

a. Please conduct a comprehensive and immediate review of all EPA FOIA practices so that the agency does not release or otherwise distribute the private information of my constituents in violations of FOIA exemptions.

Please prepare a one or two paragraph response to this concern and send the initial draft to me by 3:00pm Monday, March 13, for IO review.

Please let me know if you have questions or concerns.

Thanks,  
Megan

~~~~~  
Megan Grogard  
Senior Advisor to the Acting Principal  
Deputy Assistant Administrator  
Office of Environmental Information  
U.S. Environmental Protection Agency  
Phone: 202-564-6812  
Cell: 202-834-8385

-----Original Message-----

From: Moody, Christina  
Sent: Wednesday, March 08, 2017 12:10 PM  
To: Grogard, Megan <[Grogard.Megan@epa.gov](mailto:Grogard.Megan@epa.gov)>; Jones-Parra, Lisa <[Jones-Parra.Lisa@epa.gov](mailto:Jones-Parra.Lisa@epa.gov)>; Prabhu, Aditi <[Prabhu.Aditi@epa.gov](mailto:Prabhu.Aditi@epa.gov)>; Kime, Robin <[Kime.Robin@epa.gov](mailto:Kime.Robin@epa.gov)>  
Cc: Williams, Thea <[Williams.Thea@epa.gov](mailto:Williams.Thea@epa.gov)>; Aarons, Kyle <[Aarons.Kyle@epa.gov](mailto:Aarons.Kyle@epa.gov)>; Dickerson, Tom <[Dickerson.Tom@epa.gov](mailto:Dickerson.Tom@epa.gov)>  
Subject: ACTION: Sasse letter  
Importance: High

Good Afternoon,

Attached please find a letter from Senator Ben Sasse raising issues that span various programs. Because of the cross cutting nature of the letter, OCIR is requesting programs to provide a one - two paragraph (if appropriate, more if necessary) response to the specific question(s) that it has been assigned via email. Please ensure that the responses have been through the appropriate review up to the AA/Acting AA before sending them to OCIR for review. Program assignments are:

OGC: #3 & 4

OP: #6

OEI: #7

OCIR would like to have responses no later than noon Friday, March 17th, via email. We will collate a complete letter here that includes all programmatic responses as a transmittal back to the Senator's office.

Let me know if you have questions.

Thanks in advance for your assistance on this lift.

Kind Regards,

Christina J. Moody  
US Environmental Protection Agency  
Moody.Christina@epa.gov



# United States Senate

WASHINGTON, DC 20510

February 23, 2017

The Honorable Scott Pruitt  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, NW  
Washington, D.C. 20460

Dear Administrator Pruitt:

Congratulations on your confirmation to serve as the Administrator of the U.S. Environmental Protection Agency (EPA).

Please accept my invitation to visit the state of Nebraska. Our farmers and ranchers would welcome the opportunity to meet with you and share their unified work to protect their land and the environment.

In your testimony before the Senate Environment and Public Works committee, you referenced three principles that you believed would help the EPA promote a healthier environment, a stability in managing our natural resources, and a stronger economy: the rule of law, cooperative federalism, and public participation. I agree with your assessment. Sadly, the EPA has not been marked by these principles, but has instead acted in a manner that has left many Americans, especially Nebraskans, concerned that their voice is not heard at the EPA. Furthermore, the EPA's overreaching regulatory hand has shaken the confidence of state governments and citizens in cooperative federalism and the rule of law.

I am hopeful that as you begin your service at the EPA, you can again make the EPA an institution that respects the Constitution by recognizing that the legislative branch – not the executive branch – writes the laws.

As you prioritize the workload of the EPA, I would like to bring to your attention several items that are important to Nebraskans and humbly request that you prioritize these areas in your first 100-days as Administrator.

- 1. Withdraw the Waters of the United States Rule and Restore State and Local Control Over Non-Federal Environmental Protection:** Nebraska is a rural state where one-in-four jobs is tied to agriculture. I have heard from many Nebraskans who believe that the EPA has been on a single-minded quest to extend federal power and expand federal jurisdiction through the Clean Water Act so that joint EPA and Army Corps of



Engineers regulatory authority would cover all waters where Congress left the authority to the States.

- a. Understanding that litigation on this issue is ongoing, I request that the EPA enforce the law and seek Congressional input if the agency encounters an ambiguity in the law instead of unilaterally rewriting the law.
  - b. Please withdraw the Waters of the United States (WOTUS) rule forthwith and consider revisions, with input from the states, that would protect the cooperative federalism envisioned in the Clean Water Act as well as define the term "navigable waters" in a manner that does not go beyond the statute. I am deeply skeptical of approaches that assume that textual ambiguity in a statute confers broad discretionary power to any federal agency.
  - c. Please also strike any memoranda of understanding that may hinder the withdrawal of the WOTUS rule.
2. **Put a Stop to EPA Freelancing in Implementing the Renewable Fuels Standard:**  
The passage of the Renewable Fuels Standard (RFS) in 2007 specified the annual volume targets of biofuels to be blended with gasoline. Unfortunately, the EPA has previously proposed rules that unilaterally rewrote the annual volume limits set by Congress. Please review the text of federal law as written by Congress, release annual volume limits in a timely manner, and judiciously consider the general waiver authority provided in statute.
- a. Regulatory impediments, such as constraints on sales and the lack of a Reid Vapor Pressure (RVP) waiver for blends above E-10 should not interfere with consumer-based marketplace decisions. The EPA has previously argued that the Clean Air Act precludes the granting of a RVP waiver to blends over E-10 because it would cause vehicles and engines to exceed their emission standards in use.
    - i. Please review the federal law related to any applicable RVP waiver and determine if you agree that statutory changes are necessary to authorize the EPA to provide a waiver for blends above E-10.
    - ii. Please specify the necessary changes that Congress should examine.
  - b. In 2010, EPA established a process for companies to petition EPA to allow new fuels to qualify as a renewable fuel under the RFS program. These petitions are known as "pathway petitions." Cellulosic biofuel companies have waited on average more than 30-months and advanced biofuel companies have waited on average more than two-years for the EPA to approve their pathway petitions.
    - i. Please review the regulatory approval process and make appropriate changes so that pathway petitions are approved in an expedited manner consistent with the statute.

- ii. If there are changes to federal law that would expedite the approval of these applications, please advise me of those changes.

3. **Improve Coordination With Federal Agencies:** Interagency memoranda of understanding (MOUs) are often created to encourage effective coordination and cooperative working relationships.
  - a. Please identify all existing MOUs, especially those that involve the United States Department of Agriculture, the Food and Drug Administration, the Army Corps of Engineers, the Department of Interior, and the Fish and Wildlife Service to determine effective interagency coordination.
  - b. Please immediately suspend all MOUs designed to expand EPA authority.
  - c. Please review any MOUs or other practices, guidance, or other documents that create duplicative reporting and enforcement authorities.
  - d. Please freeze or reevaluate any attempts to further federalize state implementation plans or delegation agreements.
4. **End Abusive “Sue and Settle” Practices:** Nebraskan farmers and ranchers have consistently and overwhelmingly expressed concern about the use of settlement agreements or consent decrees whereby the EPA has invited lawsuits from third parties, then committed itself to perform what would otherwise be discretionary acts in agreements convened pursuant to the lawsuits. This practice, known as “sue and settle,” perverts the legal structure under which the agency operates and ignores federal law that otherwise requires the use of notice and comment rulemaking.
  - a. Please identify any litigation where consent decrees or settlement agreements are pending and withdraw them for further review.
5. **Eliminate the “Clean Power Plan”:** The EPA has proposed new rules on carbon-dioxide emissions, commonly referred to as the Clean Power Plan. These transformative rules place enormous economic burdens on electric generating utilities, especially for a 100-percent public power state like Nebraska.
  - a. Please rescind these extra-legal Clean Power Plan rules.
6. **Reduce Needlessly Costly Regulations:** Industry has often made attempts to comply with a regulation through comprehensive planning and significant investments in obtaining the technology available for compliance only to have those investments stranded with regulations and aggressive deadlines that do not allow for reasonable compliance.

- a. Please undertake a comprehensive review of the many regulations EPA has promulgated that overlap and have compounding effects on industries where significant investments have been made to reach compliance on existing regulations.
7. **Protect the Privacy of Farmers and Ranchers:** In 2013, EPA responded to a Freedom of Information Act (FOIA) request by releasing sensitive, private and personal information relating to more than 100,000 farmers and ranchers, including individuals from Nebraska. In a unanimous ruling, the Eighth Circuit Court of Appeals noted that EPA "abused its discretion in deciding that the information at issue was not exempt from mandatory disclosure under Exemption 6 of FOIA." Exemption 6 relates to "information involving matters of personal privacy (protected under the Privacy Act or contains sensitive personally identifiable information)."
  - a. Please conduct a comprehensive and immediate review of all EPA FOIA practices so that the agency does not release or otherwise distribute the private information of my constituents in violations of FOIA exemptions.
8. **Collect Additional information on Mining Rules:** In January 2015, EPA issued a proposed rule to revise 40 C.F.R. Part 192 - Health and Environmental Protection Standards for Uranium and Thorium Mill Tailings and Uranium In-Situ Leaching Processing Facilities. This rule would require uranium recovery operators to conduct up to 30-years of groundwater monitoring following uranium production. In January 2017 EPA released a re-proposed rule for a 180-day comment period.
  - a. As you evaluate the necessity for this rule, please consider collecting additional data on the costs and benefits before moving forward with a final rule.
9. **Review Rule for the Nebraska Regional Haze Federal Implementation Plan:** On January 18, 2017 EPA issued a proposed rule to revise portions of the Nebraska Regional Haze Federal Implementation Plan (FIP) applicable to the Gerald Gentlemen Station, owned and operated by the Nebraska Public Power District.
  - a. Given that this proposed rule was issued two-days before Inauguration Day, please review the rationale for revising the FIP.
10. **Decentralize EPA Enforcement Actions:** The Clean Water Act is landmark legislation from which EPA derives substantial authority. When Congress passed the Clean Water Act in 1972, it affirmed that it is Congressional policy to "recognize, preserve, and protect the primary responsibilities and rights of States to prevent, reduce, and eliminate pollution, to plan the development and use...of land and water resources, and to consult with the Administrator in the exercise of his authority under this Act." This policy, known as cooperative federalism, is a key principle that is essential to the protection of our environment and enforcement of federal environmental law and affirms that states have the primary responsibility to protect their respective environments. Unfortunately, the EPA's Office of Enforcement and Compliance Assurance (OECA) has often engaged



in aggressive criminal and civil investigation and enforcement without consultation or cooperation with the states.

- a. Please evaluate how EPA enforcement and inspection efforts are structured and review ways to decentralize any overly aggressive efforts from headquarters and develop a more collaborative effort with states and regional offices.

I look forward to working with you to increase transparency and accountability in the EPA's regulatory process. Thank you again for your willingness to serve as Administrator of the EPA and congratulations on your confirmation.

Sincerely,

A handwritten signature in blue ink that reads "Ben Sasse". The signature is written in a cursive, slightly stylized font. The "B" is large and loops around the "en". The "S" is also large and loops around the "asse".

Ben Sasse  
United States Senator

**From:** [Fine, Steven](#)  
**To:** [Byrd, Jonda](#)  
**Subject:** FW: FOIA Awareness Review Process  
**Date:** Monday, June 12, 2017 12:03:00 PM  
**Attachments:** [Informal Process for FOIA Awareness Reviews - 06-12-2017-v2 - clean copy.docx](#) Attachment WIF - Ex. 5 DPP  
**Importance:** High

---

---

**From:** Moser, Rebecca  
**Sent:** Monday, June 12, 2017 11:55 AM  
**To:** Fine, Steven <fine.steven@epa.gov>  
**Cc:** Gottesman, Larry <Gottesman.Larry@epa.gov>; Dolph, Becky <Dolph.Becky@epa.gov>  
**Subject:** FOIA Awareness Review Process  
**Importance:** High

Steve:

Attached is the latest version of the draft FOIA Awareness Review Process that Larry, Becky & I developed jointly. We'll see you in a few minutes.

Rebecca

Rebecca Moser, Director  
Office of Enterprise Information Programs (OEIP)  
Office of Environmental Information (OEI)  
U.S. Environmental Protection Agency  
Phone: 202-566-0252  
Fax: 202-566-1624

**From:** [Moser, Rebecca](#)  
**To:** [Fine, Steven](#)  
**Cc:** [Gottesman, Larry](#); [Byrd, Jonda](#)  
**Subject:** FW: FOIA Discussion Follow Up  
**Date:** Friday, June 23, 2017 8:43:14 PM

---

Steve:

Based on your email below, I'd suggest the following outline for a briefing for Ken Wagner:

1. FOIA Landscape
  - a. FOIA statute & application to federal agencies
  - b. EPA's National FOIA Program – regulations, policy/procedures, training, reporting
  - c. Requesters & requests
  - d. FOIA records, searching for records, timeframes
2. EPA's Current FOIA Processes
  - a. Decentralized submission & processing
  - b. FOIA Expert Assistance Team (FEAT)
3. Current Challenges

**(b)(5) deliberative process**

4. Potential Future Approach

**(b)(5) deliberative process**

5. Discussion & Points of Contact

We could go through the first sections fairly quickly, so there's time for discussion.

Are there any other key points/areas you'd like to cover? Have you heard back from Ken Wagner yet on whether he'd like this briefing and if so, when it might be?

Rebecca

Rebecca Moser, Director  
Office of Enterprise Information Programs (OEIP)  
Office of Environmental Information (OEI)  
U.S. Environmental Protection Agency  
Phone: 202-566-0252  
Fax: 202-566-1624

---

**From:** Fine, Steven  
**Sent:** Wednesday, June 14, 2017 8:55 PM



**To:** Wagner, Kenneth <[wagner.kenneth@epa.gov](mailto:wagner.kenneth@epa.gov)>; Albores, Richard <[Albores.Richard@epa.gov](mailto:Albores.Richard@epa.gov)>  
**Cc:** Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)>; Dolph, Becky <[Dolph.Becky@epa.gov](mailto:Dolph.Becky@epa.gov)>; Blake, Wendy <[Blake.Wendy@epa.gov](mailto:Blake.Wendy@epa.gov)>; Packard, Elise <[Packard.Elise@epa.gov](mailto:Packard.Elise@epa.gov)>; Moser, Rebecca <[Moser.Rebecca@EPA.GOV](mailto:Moser.Rebecca@EPA.GOV)>; Gottesman, Larry <[Gottesman.Larry@epa.gov](mailto:Gottesman.Larry@epa.gov)>  
**Subject:** RE: FOIA Discussion Follow Up

Ken,

On behalf of the joint OGC and OEI group, we'd like to suggest that as a next step we schedule a high level briefing for you. This could cover the FOIA landscape, current EPA approaches, challenges, and potential future directions—leaving some time for discussion. That would provide a basis for further discussion, as appropriate. The briefing could include a small number of participants from OEI, OGC, and R6 (OEI's lead region. OEI is the home of the EPA's National FOIA Office). We're also open to other options for how to proceed.

Feedback?

Thanks.

Steve

---

**From:** Wagner, Kenneth  
**Sent:** Tuesday, June 13, 2017 7:43 AM  
**To:** Albores, Richard <[Albores.Richard@epa.gov](mailto:Albores.Richard@epa.gov)>  
**Cc:** Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)>; Dolph, Becky <[Dolph.Becky@epa.gov](mailto:Dolph.Becky@epa.gov)>; Fine, Steven <[fine.steven@epa.gov](mailto:fine.steven@epa.gov)>; Blake, Wendy <[Blake.Wendy@epa.gov](mailto:Blake.Wendy@epa.gov)>; Packard, Elise <[Packard.Elise@epa.gov](mailto:Packard.Elise@epa.gov)>  
**Subject:** Re: FOIA Discussion Follow Up

Richard:

Thanks to you and Kevin for the kind invite. Unfortunately, I will be participating in the R5 "All States" Commissioners' meetings in Chicago. **(b)(5) deliberative process**

**(b)(5) deliberative process**

Thanks again for your willingness to engage on this important topic.

Ken

Kenneth E. Wagner  
*Senior Advisor to the Administrator*  
*For Regional & State Affairs*  
**US Environmental Protection Agency**  
Office: 202-564-1988  
Cell: 202-309-2418  
[wagner.kenneth@epa.gov](mailto:wagner.kenneth@epa.gov)

On Jun 12, 2017, at 4:54 PM, Albores, Richard <[Albores.Richard@epa.gov](mailto:Albores.Richard@epa.gov)> wrote:

Ken:

It was good to speak with you this afternoon as you made your way to the airport for Region 5. I informed Kevin of your desire to foster a conversation on identifying efficiencies and consistencies in the FOIA practice across the agency, and he is keen to do that. In fact, he suggested that we try to begin that conversation this Wednesday at 4pm during a monthly OGC/Regional Counsel video-teleconference we regularly hold.

- **Let me know if that would/could work for you** (if you are still in R5, you could sit in with the Regional Counsel there, or if back in DC, join us in 4045 William Jefferson Clinton), and we will add it to the agenda.

We also want you to be aware that we have recently proposed reforms for FOIA, eDiscovery, and other information management for further discussion with the Agency's senior management. We would be happy to brief you on those proposals as well.

Feel free to call or email if you have questions/concerns.

Thanks,  
R

~~~~~

**RICHARD L. ALBORES**

Associate Deputy General Counsel \* Office of General Counsel \* U.S. EPA \* 1200  
Pennsylvania Avenue, NW \* MC2310A \* Washington, DC 20460 \* email:  
[albores.richard@epa.gov](mailto:albores.richard@epa.gov) \* phone: 202.564.7102 \* mobile: 202.809.8029

**From:** [Moser, Rebecca](#)  
**To:** [Fine, Steven](#)  
**Subject:** FW: FOIA Initiative.docx  
**Date:** Sunday, June 11, 2017 6:24:33 PM  
**Attachments:** [FOIA Initiative.docx](#)  
[Informal Process for FOIA Awareness Reviews - 06-09-2017.docx](#)

Attachments WIF- Ex. 5 DPP

Steve:

In follow-up to our brief discussion on Friday about the FOIA awareness review process. This is just for your *preliminary info – not for further distribution at this point.*

**(b)(5) deliberative process**

Rebecca

Rebecca Moser, Director  
Office of Enterprise Information Programs (OEIP)  
Office of Environmental Information (OEI)  
U.S. Environmental Protection Agency  
Phone: 202-566-0252  
Fax: 202-566-1624

---

**From:** Moser, Rebecca  
**Sent:** Sunday, June 11, 2017 4:15 PM  
**To:** Dolph, Becky <Dolph.Becky@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>  
**Cc:** Byrd, Jonda <byrd.jonda@epa.gov>  
**Subject:** FW: FOIA Initiative.docx

Larry & Becky:

Please see the attached rewrite of a draft *Informal Process for FOIA Awareness Reviews* (2<sup>nd</sup> file above). I've also attached the previous version that Larry provided for reference, if needed.  
A few key points about this draft:

**(b)(5) deliberative process**

**(b)(5) deliberative process**

**(b)(5) deliberative process**



See what you think . . . and then let's touch base before the Monday noon meeting, if possible.  
Thank you.

Rebecca

Rebecca Moser, Director  
Office of Enterprise Information Programs (OEIP)  
Office of Environmental Information (OEI)  
U.S. Environmental Protection Agency  
Phone: 202-566-0252  
Fax: 202-566-1624

**From:** [Moser, Rebecca](#)  
**To:** [Fine, Steven](#)  
**Cc:** [Gottesman, Larry](#); [Dolph, Becky](#)  
**Subject:** FOIA Awareness Review Process  
**Date:** Monday, June 12, 2017 11:55:30 AM  
**Attachments:** [Informal Process for FOIA Awareness Reviews - 06-12-2017-v2 - clean copy.docx](#)  
**Importance:** High

---

Attachment WIF - Ex. 5 DPP

Steve:

Attached is the latest version of the draft FOIA Awareness Review Process that Larry, Becky & I developed jointly. We'll see you in a few minutes.

Rebecca

Rebecca Moser, Director  
Office of Enterprise Information Programs (OEIP)  
Office of Environmental Information (OEI)  
U.S. Environmental Protection Agency  
Phone: 202-566-0252  
Fax: 202-566-1624

**From:** [Gottesman, Larry](#)  
**To:** [Fine, Steven](#)  
**Cc:** [Moser, Rebecca](#); [Byrd, Jonda](#)  
**Subject:** FOIA options 6-6-17.docx  
**Date:** Tuesday, June 6, 2017 1:18:31 PM  
**Attachments:** [FOIA options 6-6-17.docx](#)

Attachment WIF Ex. 5 - DPP

---

I hope this is useful and what you were looking for. I would like to explore these and other opportunities to improve the FOIA process at EPA.

Thanks

Larry F. Gottesman  
Agency FOIA Officer

202-566-2162 (Direct line)  
202-689-4588 (Mobile)



**From:** [Gottesman, Larry](#)  
**To:** [Fine, Steven](#)  
**Cc:** [Moser, Rebecca](#); [Byrd, Jonda](#)  
**Subject:** FW: Emailing - Centralization Flow Region.pdf  
**Date:** Monday, June 5, 2017 4:48:41 PM  
**Attachments:** [Centralization Flow Region.pdf](#)

---

Here is the draft "centralization model" you requested.

We look forward to working with you and our FOIA partners, to further develop and implement a new FOIA model for EPA, allow for greater coordination, streamlining and the elimination of most duplicate requests.

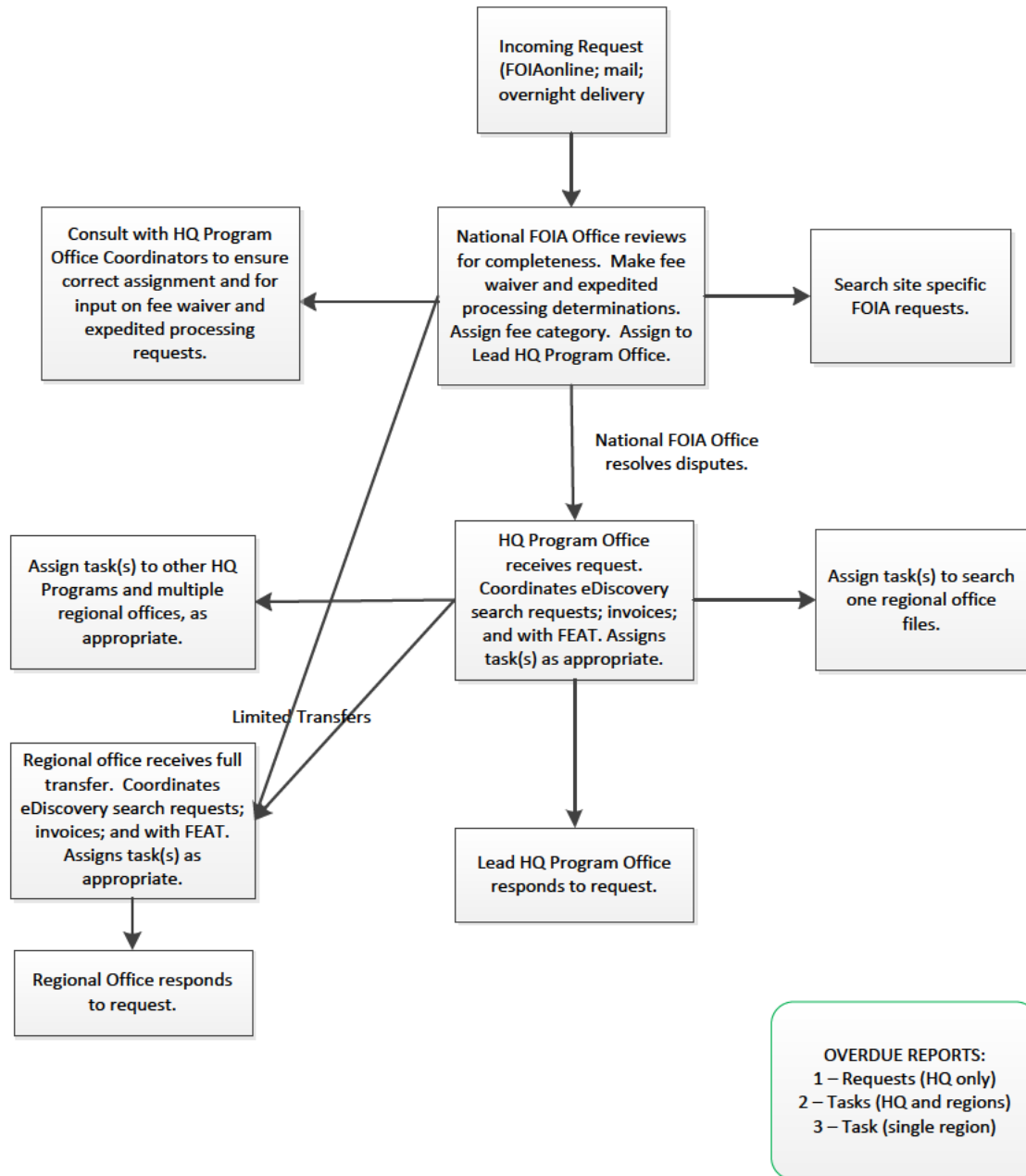
Thanks

Larry F. Gottesman  
Agency FOIA Officer

202-566-2162 (Direct line)  
202-689-4588 (Mobile)



## National FOIA Program's Draft Centralization Plan



**From:** [Youngblood, Charlotte](#)  
**To:** [Blake, Wendy](#); [Nguyen, Quoc](#)  
**Subject:** FW: NEW DATE TIME: letter from Senator Sasse  
**Date:** Friday, March 10, 2017 10:37:25 AM

---

FYI – I asked Tom to send out some clarification (see below).

Charlotte Youngblood  
Deputy Associate General Counsel  
General Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
(202) 564-0283  
[youngblood.charlotte@epa.gov](mailto:youngblood.charlotte@epa.gov)

---

**From:** Dickerson, Tom

**Sent:** Friday, March 10, 2017 10:18 AM

**To:** Richardson, RobinH ; Aarons, Kyle ; Youngblood, Charlotte ; Gonzalez, Brenda ; Meighan, Alexandra ; Grogard, Megan ; Jones-Parra, Lisa ; Prabhu, Aditi ; Kime, Robin ; Lubetsky, Jonathan ; Peck, Gregory ; Orvin, Chris ; Moody, Christina ; Haman, Patricia ; Borum, Denis ; Levine, Carolyn ; Folkemer, Nathaniel ; Emmerson, Caroline ; Kenny, Shannon ; McGartland, Al ; Rees, Sarah

**Cc:** Moser, Rebecca ; Byrd, Jonda ; Gottesman, Larry

**Subject:** RE: NEW DATE/TIME: letter from Senator Sasse

I'd like to provide a couple of points of clarification regarding the meeting scheduled for Tuesday and expectations concerning preparation of an agency response to the Senator Sasse letter:

**(b)(5) deliberative process**

**(b)(5) deliberative process**

Please let me know if you have any questions about this. Thanks.

Tom Dickerson  
Office of Congressional Relations  
U.S. Environmental Protection Agency  
(202) 564-3638  
-----Original Appointment-----

**From:** Dickerson, Tom

**Sent:** Thursday, March 09, 2017 10:30 AM

**To:** Dickerson, Tom; Richardson, RobinH; Aarons, Kyle; Youngblood, Charlotte; Gonzalez, Brenda; Meighan, Alexandra; Grogard, Megan; Jones-Parra, Lisa; Prabhu, Aditi; Kime, Robin; Lubetsky, Jonathan; Peck, Gregory; Orvin, Chris; Christina Moody; Haman, Patricia; Borum, Denis; Carolyn Levine; Folkemer, Nathaniel; Emmerson, Caroline; Kenny, Shannon; McGartland, Al; Rees, Sarah

**Cc:** Moser, Rebecca; Byrd, Jonda; Gottesman, Larry

**Subject:** NEW DATE/TIME: letter from Senator Sasse

**When:** Tuesday, March 14, 2017 3:30 PM-4:00 PM (UTC-05:00) Eastern Time (US & Canada).

**Where:** DCRoomARN3428/OCIR

Let's try this time and hope it works better for folks:

-----

We thought it would be helpful to meet to discuss and agree upon an approach for responding to this letter.

Schedules for early next week look very difficult, so I hope that this time works for most. (If this doesn't work for too many, we'll check for times later next week.) Thanks.

Here is call-in information for 5 lines.

Call in = **(b) (6)**

Extension = **(b) (6)**

Participant code = **(b) (6)**

**From:** [Grogard, Megan](#)  
**To:** [Moser, Rebecca](#)  
**Cc:** [Jones, Monica](#); [Johnston, Robert](#); [Ellis, John](#); [Shenefiel, Pam](#); [Jones-Parra, Lisa](#); [Simon, Harvey](#); [Fine, Steven](#)  
**Subject:** Meeting 3 14 on ACTION: Sasse Congressional Letter  
**Date:** Thursday, March 9, 2017 12:48:33 PM  
**Importance:** High

---

Hi Rebecca,

I am following up to ask if you or others from your staff would be available to participate in a meeting to discuss the Sasse Congressional on **Tuesday, March 14, from 3:30 – 4:00 in Room 3428 WJC North (OCIR Space).**

Please advise.

Thanks,

Megan

~~~~~  
**Megan Grogard**

Senior Advisor to the Acting Principal

Deputy Assistant Administrator

Office of Environmental Information

U.S. Environmental Protection Agency

**Phone: 202-564-6812**

Cell: 202-834-8385

---

**From:** Dickerson, Tom

**Sent:** Thursday, March 09, 2017 12:25 PM

**To:** Grogard, Megan <[Grogard.Megan@epa.gov](mailto:Grogard.Megan@epa.gov)>

**Cc:** Williams, Thea <[Williams.Thea@epa.gov](mailto:Williams.Thea@epa.gov)>; Aarons, Kyle <[Aarons.Kyle@epa.gov](mailto:Aarons.Kyle@epa.gov)>; Moody, Christina <[Moody.Christina@epa.gov](mailto:Moody.Christina@epa.gov)>; Jones-Parra, Lisa <[Jones-Parra.Lisa@epa.gov](mailto:Jones-Parra.Lisa@epa.gov)>

**Subject:** RE: ACTION: Sasse letter

Thanks, Megan. **(b)(5) deliberative process**

**(b)(5) deliberative process**

Tom Dickerson

Office of Congressional Relations

U.S. Environmental Protection Agency

(202) 564-3638

---

**From:** Grogard, Megan

**Sent:** Thursday, March 09, 2017 10:57 AM

**To:** Dickerson, Tom <[Dickerson.Tom@epa.gov](mailto:Dickerson.Tom@epa.gov)>

**Cc:** Williams, Thea <[Williams.Thea@epa.gov](mailto:Williams.Thea@epa.gov)>; Aarons, Kyle <[Aarons.Kyle@epa.gov](mailto:Aarons.Kyle@epa.gov)>; Moody, Christina <[Moody.Christina@epa.gov](mailto:Moody.Christina@epa.gov)>; Jones-Parra, Lisa <[Jones-Parra.Lisa@epa.gov](mailto:Jones-Parra.Lisa@epa.gov)>

**Subject:** RE: ACTION: Sasse letter

Good Morning Tom,

The OEI folks are not available to participate in the proposed discussion tomorrow, but wanted to let you know that the FOIA folks are already working on a one or two paragraph response to address Action #7, as outlined below. We should have a DRAFT response by Monday afternoon for consideration.

7. Protect the Privacy of Farmers and Ranchers: In 2013, EPA responded to a Freedom of Information Act (FOIA) request by releasing sensitive, private and personal information relating to more than 100,000 farmers and ranchers, including individuals from Nebraska. In a unanimous ruling, the Eighth Circuit Court of Appeals noted that EPA "abused its discretion in deciding that the information at issue was not exempt from mandatory disclosure under Exemption 6 of FOIA." Exemption 6 relates to "information involving matters of personal privacy (protected under the Privacy Act or contains sensitive personally identifiable information)."

a. Please conduct a comprehensive and immediate review of all EPA FOIA practices so that the agency does not release or otherwise distribute the private information of my constituents in violations of FOIA exemptions.

Please let me know if you have questions or additional information to share.

Thanks,

Megan

~~~~~  
**Megan Grogard**

Senior Advisor to the Acting Principal

Deputy Assistant Administrator

Office of Environmental Information

U.S. Environmental Protection Agency



**Phone: 202-564-6812**

Cell: 202-834-8385

-----Original Message-----

From: Moody, Christina

Sent: Wednesday, March 08, 2017 12:10 PM

To: Grogard, Megan <[Grogard.Megan@epa.gov](mailto:Grogard.Megan@epa.gov)>; Jones-Parra, Lisa <[Jones-Parra.Lisa@epa.gov](mailto:Jones-Parra.Lisa@epa.gov)>; Prabhu, Aditi <[Prabhu.Aditi@epa.gov](mailto:Prabhu.Aditi@epa.gov)>; Kime, Robin <[Kime.Robin@epa.gov](mailto:Kime.Robin@epa.gov)>

Cc: Williams, Thea <[Williams.Thea@epa.gov](mailto:Williams.Thea@epa.gov)>; Aarons, Kyle <[Aarons.Kyle@epa.gov](mailto:Aarons.Kyle@epa.gov)>; Dickerson, Tom <[Dickerson.Tom@epa.gov](mailto:Dickerson.Tom@epa.gov)>

Subject: ACTION: Sasse letter

Importance: High

Good Afternoon,

Attached please find a letter from Senator Ben Sasse raising issues that span various programs. Because of the cross cutting nature of the letter, OCIR is requesting programs to provide a one - two paragraph (if appropriate, more if necessary) response to the specific question(s) that it has been assigned via email. Please ensure that the responses have been through the appropriate review up to the AA/Acting AA before sending them to OCIR for review. Program assignments are:

OGC: #3 & 4

OP: #6

OEI: #7

OCIR would like to have responses no later than noon Friday, March 17th, via email. We will collate a complete letter here that includes all programmatic responses as a transmittal back to the Senator's office.

Let me know if you have questions.

Thanks in advance for your assistance on this lift.

Kind Regards,

Christina J. Moody

US Environmental Protection Agency

[Moody.Christina@epa.gov](mailto:Moody.Christina@epa.gov)

**From:** [Grogard, Megan](#)  
**To:** [Moser, Rebecca](#)  
**Cc:** [Jones, Monica](#); [Gottesman, Larry](#); [Shenefiel, Pam](#); [Jones-Parra, Lisa](#); [Larsen, Elena](#); [Simon, Harvey](#); [Fine, Steven](#)  
**Subject:** NEW INQUIRY on FOIA from Senator Bennet (D-CO)  
**Date:** Thursday, March 16, 2017 10:24:06 AM  
**Attachments:** [FOIA Letter - EPA.pdf](#)  
[ATT00001.htm](#)

---

Hi Rebecca,

Please see the attached Congressional Letter from Senator Michael Bennet (D-CO) to Kevin Minoli. The letter asks about the FOIA program at EPA and our compliance with the FOIA Improvement Act of 2016, among other related questions.

I imagine Kevin will reach out to us, but wanted to be sure you're aware of this action.

Thanks,

Megan

~~~~~  
**Megan Grogard**

Senior Advisor to the Acting Principal  
Deputy Assistant Administrator  
Office of Environmental Information  
U.S. Environmental Protection Agency  
**Phone: 202-564-6812**  
Cell: 202-834-8385

---

**From:** Moody, Christina  
**Sent:** Thursday, March 16, 2017 9:18 AM  
**To:** Eades, Cassaundra ; Mims, Kathy ; Bailey, KevinJ  
**Cc:** Jones-Parra, Lisa ; Grogard, Megan  
**Subject:** Fwd: Letter from Senator Bennet  
CCU,  
Please control. OEI - heads up.  
Thanks

Christina J Moody  
US Environmental Protection Agency  
[Moody.Christina@epa.gov](mailto:Moody.Christina@epa.gov)

Begin forwarded message:

**From:** "Richardson, RobinH" <[Richardson.RobinH@epa.gov](mailto:Richardson.RobinH@epa.gov)>  
**To:** "[Juliana\\_Herman@bennet.senate.gov](mailto:Juliana_Herman@bennet.senate.gov)" <[Juliana\\_Herman@bennet.senate.gov](mailto:Juliana_Herman@bennet.senate.gov)>  
**Cc:** "Moody, Christina" <[Moody.Christina@epa.gov](mailto:Moody.Christina@epa.gov)>, "Bailey, KevinJ" <[Bailey.KevinJ@epa.gov](mailto:Bailey.KevinJ@epa.gov)>  
**Subject:** FW: Letter from Senator Bennet

Hi Juliana –

Thank you very much for your email forwarding the Senator's letter. Upon review if we have any questions we will follow up with you.

Thank you again.

Best, Robin

-----  
Robin H Richardson  
Principal Deputy Associate Administrator  
Office of Congressional and Intergovernmental Relations  
U.S. Environmental Protection Agency  
202-564-3358 (desk)  
703-581-5814 (cell)  
[richardson.robinh@epa.gov](mailto:richardson.robinh@epa.gov)

---

**From:** Herman, Juliana (Bennet) [[mailto:Juliana\\_Herman@bennet.senate.gov](mailto:Juliana_Herman@bennet.senate.gov)]

**Sent:** Wednesday, March 15, 2017 3:37 PM

**To:** Richardson, RobinH <[Richardson.RobinH@epa.gov](mailto:Richardson.RobinH@epa.gov)>

**Subject:** Letter from Senator Bennet

Hello,

Please find enclosed a letter from Senator Bennet regarding the Freedom of Information Act.

Thank you,

Juliana

Juliana Herman

Senior Policy Advisor

Senator Michael Bennet

261 Russell Senate Office Building

Washington, D.C. 20510

(202) 224-5852

MICHAEL F. BENNET  
COLORADO

COMMITTEES:  
AGRICULTURE, NUTRITION, AND FORESTRY

FINANCE

HEALTH, EDUCATION, LABOR,  
AND PENSIONS

## United States Senate

WASHINGTON, DC 20510-0609

WASHINGTON, DC:  
458 RUSSELL SENATE OFFICE BUILDING  
WASHINGTON, DC 20510  
(202) 224-5852

COLORADO:  
1127 SHERMAN STREET  
SUITE 150  
DENVER, CO 80203-2398  
(303) 455-7600

<http://www.bennet.senate.gov>

March 15, 2017

Mr. Kevin S. Minoli  
Acting General Counsel  
Environmental Protection Agency  
1200 Pennsylvania Ave., N.W.  
Washington, D.C. 20460

Dear Mr. Minoli:

I write to inquire about your Agency's regulations, guidance, processes, and standards for implementing the Freedom of Information Act (FOIA). As you know, FOIA provides vital transparency and access to information for the American people.

The FOIA Improvement Act of 2016 requires agencies to adopt a presumption of openness, withholding information "only if . . . disclosure would harm an interest protected by an exemption" or "disclosure is prohibited by law."<sup>1</sup> I would appreciate your assistance in confirming that your Agency is in full compliance with the FOIA, including the new requirements of the 2016 Act.

I would appreciate if you could please identify and explain what changes your Agency has made to the way it implements FOIA, including any updated or new regulations, guidance, processes, procedures, standard operating procedures, bulletins, or notices. In particular, please also identify and explain any changes your Agency has made to comply with the recent changes to the FOIA. For these materials, please identify the date on which changes were made and the manner in which they differ from prior implementation materials. Please also provide training materials for Agency employees on complying with the FOIA, as well as any written instructions provided to individuals who are involved in searches for responsive records to FOIA requests.

In addition, I wish to inquire about what effect proposed budget cuts may have on your Agency's FOIA responses. Please provide information on your Agency's funding and staffing for FOIA operations for each of the past five fiscal years, and any projection available on how proposed budget cuts would affect funding and staffing in FY2018. Please also provide statistics on the number of FOIA requests your Agency received and processed in FY2016, as well as its FOIA backlog, for each of the past five fiscal years.

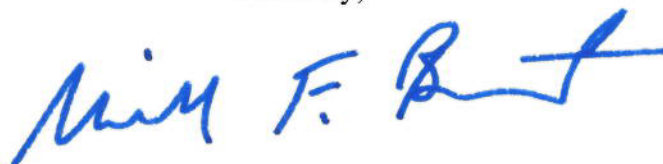
---

<sup>1</sup> FOIA Improvement Act of 2016 § 2 (Pub. L. No. 114-185)

Finally, moving forward, I would appreciate that you notify my office any time you make changes to your FOIA guidance, processes, or standards.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael F. Bennet". The signature is fluid and cursive, with the first name "Michael" written in a larger, more prominent script than the last name "Bennet".

Michael F. Bennet

**From:** [Fine, Steven](#)  
**To:** [Gottesman, Larry](#)  
**Cc:** [Moser, Rebecca](#)  
**Subject:** notification  
**Date:** Tuesday, June 13, 2017 9:05:00 PM

---

Larry,

Per a request from the AO, please start providing the AO 48 hours advance notice of the release of selected FOIA responses.

This notice is only for informational purposes, not to seek revisions or approval to release.

Steve



**From:** [Minoli, Kevin](#)  
**To:** [Fine, Steven](#); [Simon, Harvey](#)  
**Cc:** [Packard, Elise](#)  
**Subject:** OGC Bold Ideas Related to Information Access  
**Date:** Friday, June 9, 2017 5:39:55 PM  
**Attachments:** [OGC.Bold.Ideas.final.docx](#)

## Attachment WIF Ex. 5 DPP

---

Hi Steve and Harvey- As I alluded to at the 1<sup>st</sup> Assistants Meeting and as Elise mentioned to Harvey, we did identify a few ideas related to information collection, review, and production during the recent exercise on improving EPA. We wanted the two of you to have a copy in case the team reviewing the various ideas reaches out to you. Please do not distribute beyond the two of you; we are not distributing it to our staff, although Becky and Wendy helped with the drafting (we engaged our management team as our office thought of and evaluated possibilities). We are happy to discuss any of the ideas if you have questions.

Finally, I want to reiterate what the document says in a footnote: these are ideas we thought were worth further consideration, not ones we know are best or we would ultimately recommend be adopted. For that, we feel it is essential for other offices to discuss these and any other suggestion. Here is the language of the footnote:

These ideas reflect the request that we imagine big, bold ideas and that we not limit ourselves to traditional ideas or ones solely within our own program area. Many of the ideas below would have significant impacts on programs other than OGC and employees outside of our organization. We have shared our ideas with some of those offices and employees, but because we were working on them until the deadline we have not been able to share them with all who may be impacted nor discuss them in any level of detail with anyone outside of OGC. While we believe these are ideas merit further conversation and evaluation, we cannot say that they are the only or the best way to achieve the goals that underlie each of them. That conclusion will only be possible after there is a chance for evaluation and discussion with our colleagues across the agency.

Have a great weekend. Kevin

**From:** [Fine, Steven](#)  
**To:** [Gottesman, Larry](#)  
**Cc:** [Byrd, Jonda](#); [Moser, Rebecca](#)  
**Subject:** other agencies" FOIA processes  
**Date:** Thursday, June 22, 2017 8:38:00 PM

---

Larry,

Have you previously talked to other agencies about how they process FOIAs? If so, have you taken that information into account for your proposal for how to improve coordination of processing?

Thanks.

Steve

**From:** [Fine, Steven](#)  
**To:** [Moser, Rebecca](#)  
**Cc:** [Grogard, Megan](#); [Jones-Parra, Lisa](#); [Shenefiel, Pam](#); [Gottesman, Larry](#); [Byrd, Jonda](#)  
**Subject:** RE: Draft Response for Senator Bennet (D-CO) re: FOIA  
**Date:** Thursday, June 1, 2017 9:26:00 PM

---

Rebecca,

Thank you. What's there looks good. I do have a question that I'd like to discuss when you are back in the office.

Steve

---

**From:** Moser, Rebecca  
**Sent:** Thursday, June 1, 2017 7:27 PM  
**To:** Fine, Steven <fine.steven@epa.gov>  
**Cc:** Grogard, Megan <Grogard.Megan@epa.gov>; Jones-Parra, Lisa <Jones-Parra.Lisa@epa.gov>; Shenefiel, Pam <shenefiel.pam@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Byrd, Jonda <byrd.jonda@epa.gov>  
**Subject:** Draft Response for Senator Bennet (D-CO) re: FOIA

Steve:

Attached for your review is a draft response to an incoming letter from Senator Bennet regarding EPA's FOIA activities (also attached). This response has been in the works for some time among OEI, OGC, and OCIR, and this is the latest version (includes the most recent OEIP markups). *OCIR and OGC will need to review the final version once more before we ask you to sign it.*

Please let us know if you have any additional revisions to the current draft. Thank you!

Rebecca

Rebecca Moser, Director  
Office of Enterprise Information Programs (OEIP)  
Office of Environmental Information (OEI)  
U.S. Environmental Protection Agency  
Phone: 202-566-0252  
Fax: 202-566-1624

**From:** [Fine, Steven](#)  
**To:** [Moser, Rebecca](#)  
**Subject:** RE: Draft Response for Senator Bennet (D-CO) re: FOIA  
**Date:** Thursday, June 1, 2017 9:38:00 PM

---

Thanks. But let's talk next week. I hope you have a good weekend.

---

**From:** Moser, Rebecca  
**Sent:** Thursday, June 1, 2017 9:29 PM  
**To:** Fine, Steven <[fine.steven@epa.gov](mailto:fine.steven@epa.gov)>  
**Subject:** RE: Draft Response for Senator Bennet (D-CO) re: FOIA

Hi Steve:

I could talk for a few minutes now if you'd like (202-566-0252).

Rebecca

Rebecca Moser, Director  
Office of Enterprise Information Programs (OEIP)  
Office of Environmental Information (OEI)  
U.S. Environmental Protection Agency  
Phone: 202-566-0252  
Fax: 202-566-1624

---

**From:** Fine, Steven  
**Sent:** Thursday, June 01, 2017 9:27 PM  
**To:** Moser, Rebecca <[Moser.Rebecca@EPA.GOV](mailto:Moser.Rebecca@EPA.GOV)>  
**Cc:** Grogard, Megan <[Grogard.Megan@epa.gov](mailto:Grogard.Megan@epa.gov)>; Jones-Parra, Lisa <[Jones-Parra.Lisa@epa.gov](mailto:Jones-Parra.Lisa@epa.gov)>; Shenefiel, Pam <[shenefiel.pam@epa.gov](mailto:shenefiel.pam@epa.gov)>; Gottesman, Larry <[Gottesman.Larry@epa.gov](mailto:Gottesman.Larry@epa.gov)>; Byrd, Jonda <[byrd.jonda@epa.gov](mailto:byrd.jonda@epa.gov)>  
**Subject:** RE: Draft Response for Senator Bennet (D-CO) re: FOIA

Rebecca,

Thank you. What's there looks good. I do have a question that I'd like to discuss when you are back in the office.

Steve

---

**From:** Moser, Rebecca  
**Sent:** Thursday, June 1, 2017 7:27 PM  
**To:** Fine, Steven <[fine.steven@epa.gov](mailto:fine.steven@epa.gov)>  
**Cc:** Grogard, Megan <[Grogard.Megan@epa.gov](mailto:Grogard.Megan@epa.gov)>; Jones-Parra, Lisa <[Jones-Parra.Lisa@epa.gov](mailto:Jones-Parra.Lisa@epa.gov)>;

Shenefiel, Pam <[shenefiel.pam@epa.gov](mailto:shenefiel.pam@epa.gov)>; Gottesman, Larry <[Gottesman.Larry@epa.gov](mailto:Gottesman.Larry@epa.gov)>; Byrd, Jonda <[byrd.jonda@epa.gov](mailto:byrd.jonda@epa.gov)>

**Subject:** Draft Response for Senator Bennet (D-CO) re: FOIA

Steve:

Attached for your review is a draft response to an incoming letter from Senator Bennet regarding EPA's FOIA activities (also attached). This response has been in the works for some time among OEI, OGC, and OCIR, and this is the latest version (includes the most recent OEIP markups). *OCIR and OGC will need to review the final version once more before we ask you to sign it.*

Please let us know if you have any additional revisions to the current draft. Thank you!

Rebecca

Rebecca Moser, Director  
Office of Enterprise Information Programs (OEIP)  
Office of Environmental Information (OEI)  
U.S. Environmental Protection Agency  
Phone: 202-566-0252  
Fax: 202-566-1624

**From:** [Moser, Rebecca](#)  
**To:** [Fine, Steven](#)  
**Subject:** RE: Draft Response for Senator Bennet (D-CO) re: FOIA  
**Date:** Thursday, June 1, 2017 9:29:05 PM

---

Hi Steve:

I could talk for a few minutes now if you'd like (202-566-0252).

Rebecca

Rebecca Moser, Director  
Office of Enterprise Information Programs (OEIP)  
Office of Environmental Information (OEI)  
U.S. Environmental Protection Agency  
Phone: 202-566-0252  
Fax: 202-566-1624

---

**From:** Fine, Steven  
**Sent:** Thursday, June 01, 2017 9:27 PM  
**To:** Moser, Rebecca <Moser.Rebecca@EPA.GOV>  
**Cc:** Grogard, Megan <Grogard.Megan@epa.gov>; Jones-Parra, Lisa <Jones-Parra.Lisa@epa.gov>; Shenefiel, Pam <shenefiel.pam@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Byrd, Jonda <byrd.jonda@epa.gov>  
**Subject:** RE: Draft Response for Senator Bennet (D-CO) re: FOIA

Rebecca,

Thank you. What's there looks good. I do have a question that I'd like to discuss when you are back in the office.

Steve

---

**From:** Moser, Rebecca  
**Sent:** Thursday, June 1, 2017 7:27 PM  
**To:** Fine, Steven <[fine.steven@epa.gov](mailto:fine.steven@epa.gov)>  
**Cc:** Grogard, Megan <[Grogard.Megan@epa.gov](mailto:Grogard.Megan@epa.gov)>; Jones-Parra, Lisa <[Jones-Parra.Lisa@epa.gov](mailto:Jones-Parra.Lisa@epa.gov)>; Shenefiel, Pam <[shenefiel.pam@epa.gov](mailto:shenefiel.pam@epa.gov)>; Gottesman, Larry <[Gottesman.Larry@epa.gov](mailto:Gottesman.Larry@epa.gov)>; Byrd, Jonda <[byrd.jonda@epa.gov](mailto:byrd.jonda@epa.gov)>  
**Subject:** Draft Response for Senator Bennet (D-CO) re: FOIA

Steve:

Attached for your review is a draft response to an incoming letter from Senator Bennet regarding

EPA's FOIA activities (also attached). This response has been in the works for some time among OEI, OGC, and OCIR, and this is the latest version (includes the most recent OEIP markups). *OCIR and OGC will need to review the final version once more before we ask you to sign it.*

Please let us know if you have any additional revisions to the current draft. Thank you!

Rebecca

Rebecca Moser, Director  
Office of Enterprise Information Programs (OEIP)  
Office of Environmental Information (OEI)  
U.S. Environmental Protection Agency  
Phone: 202-566-0252  
Fax: 202-566-1624

**From:** [Blake, Wendy](#)  
**To:** [Fine, Steven](#)  
**Cc:** [Dolph, Becky](#)  
**Subject:** Re: FOIA Discussion Follow Up  
**Date:** Sunday, July 2, 2017 8:37:07 PM

---

Thanks Steve.

**(b)(5) deliberative process**

Thanks again.

---

**From:** Fine, Steven  
**Sent:** Sunday, July 2, 2017 6:05 PM  
**To:** Blake, Wendy  
**Cc:** Dolph, Becky  
**Subject:** RE: FOIA Discussion Follow Up

Wendy,

Thanks for checking.

**(b) (6)**

**(b)(5) deliberative process**

Steve

---

**From:** Blake, Wendy  
**Sent:** Sunday, July 2, 2017 10:29 AM  
**To:** Fine, Steven <fine.steven@epa.gov>  
**Cc:** Dolph, Becky <Dolph.Becky@epa.gov>  
**Subject:** Fw: FOIA Discussion Follow Up

Steve -



I wanted to know what the proposed next steps are with regard to following up with a briefing for Ken.

Let me know your thoughts on this and what assistance you need from OGC.

(b) (6)

Wendy

---

**From:** Fine, Steven

**Sent:** Wednesday, June 14, 2017 8:55 PM

**To:** Wagner, Kenneth; Albores, Richard

**Cc:** Minoli, Kevin; Dolph, Becky; Blake, Wendy; Packard, Elise; Moser, Rebecca; Gottesman, Larry

**Subject:** RE: FOIA Discussion Follow Up

Ken,

On behalf of the joint OGC and OEI group, we'd like to suggest that as a next step we schedule a high level briefing for you. This could cover the FOIA landscape, current EPA approaches, challenges, and potential future directions—leaving some time for discussion. That would provide a basis for further discussion, as appropriate. The briefing could include a small number of participants from OEI, OGC, and R6 (OEI's lead region. OEI is the home of the EPA's National FOIA Office). We're also open to other options for how to proceed.

Feedback?

Thanks.

Steve

---

**From:** Wagner, Kenneth

**Sent:** Tuesday, June 13, 2017 7:43 AM

**To:** Albores, Richard <[Albores.Richard@epa.gov](mailto:Albores.Richard@epa.gov)>

**Cc:** Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)>; Dolph, Becky <[Dolph.Becky@epa.gov](mailto:Dolph.Becky@epa.gov)>; Fine, Steven <[fine.steven@epa.gov](mailto:fine.steven@epa.gov)>; Blake, Wendy <[Blake.Wendy@epa.gov](mailto:Blake.Wendy@epa.gov)>; Packard, Elise <[Packard.Elise@epa.gov](mailto:Packard.Elise@epa.gov)>

**Subject:** Re: FOIA Discussion Follow Up

Richard:

Thanks to you and Kevin for the kind invite. Unfortunately, I will be participating in the R5 "All States" Commissioners' meetings in Chicago. (b)(5) deliberative process

(b)(5) deliberative process

Thanks again for your willingness to engage on this important topic.

Ken

Kenneth E. Wagner  
*Senior Advisor to the Administrator*  
*For Regional & State Affairs*  
**US Environmental Protection Agency**  
Office: 202-564-1988  
Cell: 202-309-2418  
[wagner.kenneth@epa.gov](mailto:wagner.kenneth@epa.gov)

On Jun 12, 2017, at 4:54 PM, Albores, Richard <[Albores.Richard@epa.gov](mailto:Albores.Richard@epa.gov)> wrote:

Ken:

It was good to speak with you this afternoon as you made your way to the airport for Region 5. I informed Kevin of your desire to foster a conversation on identifying efficiencies and consistencies in the FOIA practice across the agency, and he is keen to do that. In fact, he suggested that we try to begin that conversation this Wednesday at 4pm during a monthly OGC/Regional Counsel video-teleconference we regularly hold.

- **Let me know if that would/could work for you** (if you are still in R5, you could sit in with the Regional Counsel there, or if back in DC, join us in 4045 William Jefferson Clinton), and we will add it to the agenda.

We also want you to be aware that we have recently proposed reforms for FOIA, eDiscovery, and other information management for further discussion with the Agency's senior management. We would be happy to brief you on those proposals as well.

Feel free to call or email if you have questions/concerns.

Thanks,

R

~~~~~

**RICHARD L. ALBORES**

Associate Deputy General Counsel \* Office of General Counsel \* U.S. EPA \* 1200

Pennsylvania Avenue, NW \* MC2310A \* Washington, DC 20460 \* email:

[albores.richard@epa.gov](mailto:albores.richard@epa.gov) \* phone: 202.564.7102 \* mobile: 202.809.8029

**From:** [Moser, Rebecca](#)  
**To:** [Fine, Steven](#)  
**Subject:** RE: FOIA Initiative.docx  
**Date:** Monday, June 12, 2017 8:02:17 AM

---

Hi Steve,

I am can come a bit before the 8:30 a.m. Capstone meeting or talk before 11 a.m. Look forward to hearing your thoughts.

Rebecca

Rebecca Moser, Director  
Office of Enterprise Information Programs (OEIP)  
Office of Environmental Information (OEI)  
U.S. Environmental Protection Agency  
Phone: 202-566-0252  
Fax: 202-566-1624

---

**From:** Fine, Steven  
**Sent:** Monday, June 12, 2017 7:14 AM  
**To:** Moser, Rebecca <Moser.Rebecca@EPA.GOV>  
**Subject:** RE: FOIA Initiative.docx

Rebecca,

Thanks for sharing those draft documents. I have some concerns with the second. It would be helpful if we could find a few minutes to talk before Larry and Becky try to reach consensus.

Steve

---

**From:** Moser, Rebecca  
**Sent:** Sunday, June 11, 2017 6:25 PM  
**To:** Fine, Steven <[fine.steven@epa.gov](mailto:fine.steven@epa.gov)>  
**Subject:** FW: FOIA Initiative.docx

Steve:

In follow-up to our brief discussion on Friday about the FOIA awareness review process. This is just for your *preliminary info – not for further distribution at this point.*

**(b)(5) deliberative process**

# (b)(5) deliberative process

Rebecca

Rebecca Moser, Director  
Office of Enterprise Information Programs (OEIP)  
Office of Environmental Information (OEI)  
U.S. Environmental Protection Agency  
Phone: 202-566-0252  
Fax: 202-566-1624

---

**From:** Moser, Rebecca

**Sent:** Sunday, June 11, 2017 4:15 PM

**To:** Dolph, Becky <[Dolph.Becky@epa.gov](mailto:Dolph.Becky@epa.gov)>; Gottesman, Larry <[Gottesman.Larry@epa.gov](mailto:Gottesman.Larry@epa.gov)>

**Cc:** Byrd, Jonda <[byrd.jonda@epa.gov](mailto:byrd.jonda@epa.gov)>

**Subject:** FW: FOIA Initiative.docx

Larry & Becky:

Please see the attached rewrite of a draft *Informal Process for FOIA Awareness Reviews* (2<sup>nd</sup> file above). I've also attached the previous version that Larry provided for reference, if needed.

A few key points about this draft:

# (b)(5) deliberative process

See what you think . . . and then let's touch base before the Monday noon meeting, if possible.  
Thank you.

Rebecca

Rebecca Moser, Director  
Office of Enterprise Information Programs (OEIP)  
Office of Environmental Information (OEI)  
U.S. Environmental Protection Agency  
Phone: 202-566-0252  
Fax: 202-566-1624

**From:** [Fine, Steven](#)  
**To:** [Gottesman, Larry](#)  
**Cc:** [Moser, Rebecca](#); [Byrd, Jonda](#)  
**Subject:** RE: FOIA options 6-6-17.docx  
**Date:** Wednesday, June 7, 2017 11:13:00 AM

---

Thanks. That sounds good. I'll be interested to talk when we have a chance.

---

**From:** Gottesman, Larry  
**Sent:** Wednesday, June 7, 2017 11:11 AM  
**To:** Fine, Steven <[fine.steven@epa.gov](mailto:fine.steven@epa.gov)>  
**Cc:** Moser, Rebecca <[Moser.Rebecca@EPA.GOV](mailto:Moser.Rebecca@EPA.GOV)>; Byrd, Jonda <[byrd.jonda@epa.gov](mailto:byrd.jonda@epa.gov)>  
**Subject:** RE: FOIA options 6-6-17.docx

I spoke to my staff and they do not feel this will not be unduly burdensome to execute using FOIAonline. There are other factors that go into this recommendation, that I can discuss with you.

Thanks

Larry F. Gottesman  
Agency FOIA Officer

202-566-2162 (Direct line)  
202-689-4588 (Mobile)

---

**From:** Fine, Steven  
**Sent:** Wednesday, June 07, 2017 10:57 AM  
**To:** Gottesman, Larry <[Gottesman.Larry@epa.gov](mailto:Gottesman.Larry@epa.gov)>  
**Cc:** Moser, Rebecca <[Moser.Rebecca@EPA.GOV](mailto:Moser.Rebecca@EPA.GOV)>; Byrd, Jonda <[byrd.jonda@epa.gov](mailto:byrd.jonda@epa.gov)>  
**Subject:** RE: FOIA options 6-6-17.docx

Larry,

In the vein of trying to reduce workload, is there another technical approach to implementing notification that would require less work on your office? I'm not saying we want to do that, but just trying to understand options.

Thanks.

Steve

---

**From:** Gottesman, Larry  
**Sent:** Tuesday, June 6, 2017 1:19 PM

**To:** Fine, Steven <[fine.steven@epa.gov](mailto:fine.steven@epa.gov)>

**Cc:** Moser, Rebecca <[Moser.Rebecca@EPA.GOV](mailto:Moser.Rebecca@EPA.GOV)>; Byrd, Jonda <[byrd.jonda@epa.gov](mailto:byrd.jonda@epa.gov)>

**Subject:** FOIA options 6-6-17.docx

I hope this is useful and what you were looking for. I would like to explore these and other opportunities to improve the FOIA process at EPA.

Thanks

Larry F. Gottesman

Agency FOIA Officer

202-566-2162 (Direct line)

202-689-4588 (Mobile)



**From:** [Gottesman, Larry](#)  
**To:** [Fine, Steven](#)  
**Cc:** [Moser, Rebecca](#); [Byrd, Jonda](#)  
**Subject:** RE: FOIA options 6-6-17.docx  
**Date:** Wednesday, June 7, 2017 11:10:49 AM

---

I spoke to my staff and they do not feel this will not be unduly burdensome to execute using FOIAonline. There are other factors that go into this recommendation, that I can discuss with you.

Thanks

Larry F. Gottesman  
Agency FOIA Officer

202-566-2162 (Direct line)  
202-689-4588 (Mobile)

---

**From:** Fine, Steven  
**Sent:** Wednesday, June 07, 2017 10:57 AM  
**To:** Gottesman, Larry <[Gottesman.Larry@epa.gov](mailto:Gottesman.Larry@epa.gov)>  
**Cc:** Moser, Rebecca <[Moser.Rebecca@EPA.GOV](mailto:Moser.Rebecca@EPA.GOV)>; Byrd, Jonda <[byrd.jonda@epa.gov](mailto:byrd.jonda@epa.gov)>  
**Subject:** RE: FOIA options 6-6-17.docx

Larry,

In the vein of trying to reduce workload, is there another technical approach to implementing notification that would require less work on your office? I'm not saying we want to do that, but just trying to understand options.

Thanks.

Steve

---

**From:** Gottesman, Larry  
**Sent:** Tuesday, June 6, 2017 1:19 PM  
**To:** Fine, Steven <[fine.steven@epa.gov](mailto:fine.steven@epa.gov)>  
**Cc:** Moser, Rebecca <[Moser.Rebecca@EPA.GOV](mailto:Moser.Rebecca@EPA.GOV)>; Byrd, Jonda <[byrd.jonda@epa.gov](mailto:byrd.jonda@epa.gov)>  
**Subject:** FOIA options 6-6-17.docx

I hope this is useful and what you were looking for. I would like to explore these and other opportunities to improve the FOIA process at EPA.

Thanks

Larry F. Gottesman  
Agency FOIA Officer

202-566-2162 (Direct line)  
202-689-4588 (Mobile)

**From:** [Fine, Steven](#)  
**To:** [Jackson, Ryan](#); [Packard, Elise](#); [Minoli, Kevin](#); [Hope, Brian](#); [Bowman, Liz](#); [Dolph, Becky](#); [Fugh, Justina](#)  
**Cc:** [Willis, Sharnett](#)  
**Subject:** RE: FOIAs  
**Date:** Friday, June 2, 2017 1:29:00 PM

---

Ryan,

Since OEI hosts the EPA's National FOIA Program, I'd be happy to help coordinate a meeting with you and the other offices.

I'll work with your office on scheduling a time. If you're intention was to talk today, what would be a good time for you?

Is there anything you can tell us in advance about the issues or ideas you have in mind to help us make the meeting most effective? If not, no problem.

Thanks.

Steve

---

**From:** Jackson, Ryan  
**Sent:** Friday, June 2, 2017 10:32 AM  
**To:** Packard, Elise <Packard.Elise@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Fine, Steven <fine.steven@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Dolph, Becky <Dolph.Becky@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>  
**Cc:** Willis, Sharnett <Willis.Sharnett@epa.gov>  
**Subject:** FOIAs

We need to meet to develop a better system on FOIAs.

Let me know when you're available.

Ryan Jackson  
Chief of Staff  
U.S. Environmental Protection Agency  
(202) 564-6999

**From:** [Fine, Steven](#)  
**To:** [Flynn, Mike](#)  
**Subject:** FW: FOIAs  
**Date:** Friday, June 2, 2017 10:56:00 AM

---

---

**From:** Jackson, Ryan  
**Sent:** Friday, June 2, 2017 10:32 AM  
**To:** Packard, Elise <Packard.Elise@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Fine, Steven <fine.steven@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Dolph, Becky <Dolph.Becky@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>  
**Cc:** Willis, Sharnett <Willis.Sharnett@epa.gov>  
**Subject:** FOIAs

We need to meet to develop a better system on FOIAs.

Let me know when you're available.

Ryan Jackson  
Chief of Staff  
U.S. Environmental Protection Agency  
(202) 564-6999

**From:** [Bowman, Liz](#)  
**To:** [Fine, Steven](#); [Jackson, Ryan](#)  
**Subject:** RE: FOIAs  
**Date:** Wednesday, June 14, 2017 4:37:12 PM

---

Yes, I think that is what he was requesting.

---

**From:** Fine, Steven  
**Sent:** Wednesday, June 14, 2017 1:04 PM  
**To:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>  
**Cc:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>  
**Subject:** RE: FOIAs

Were you requesting that the entire group reconvene? If so, I'd be happy to work with your staff to arrange that.

---

**From:** Fine, Steven  
**Sent:** Wednesday, June 14, 2017 8:32 AM  
**To:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>  
**Cc:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>  
**Subject:** RE: FOIAs

I'm sorry. I don't understand what you're asking for. Can you please rephrase.

---

**From:** Jackson, Ryan  
**Sent:** Wednesday, June 14, 2017 7:23 AM  
**To:** Fine, Steven <[fine.steven@epa.gov](mailto:fine.steven@epa.gov)>  
**Cc:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>  
**Subject:** Re: FOIAs

Thanks but we need to have a recovering likely to ensure that.

---

Ryan Jackson  
Chief of Staff  
U.S. EPA  
(202) 564-6999

On Jun 13, 2017, at 9:32 PM, Fine, Steven <[fine.steven@epa.gov](mailto:fine.steven@epa.gov)> wrote:

Thanks for taking time to discuss this before your trip. This has been addressed. If you'd like details, I'd be happy to discuss it.

---

**From:** Jackson, Ryan  
**Sent:** Friday, June 2, 2017 10:32 AM

**To:** Packard, Elise <[Packard.Elise@epa.gov](mailto:Packard.Elise@epa.gov)>; Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)>; Hope, Brian <[Hope.Brian@epa.gov](mailto:Hope.Brian@epa.gov)>; Fine, Steven <[fine.steven@epa.gov](mailto:fine.steven@epa.gov)>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>; Dolph, Becky <[Dolph.Becky@epa.gov](mailto:Dolph.Becky@epa.gov)>; Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Cc:** Willis, Sharnett <[Willis.Sharnett@epa.gov](mailto:Willis.Sharnett@epa.gov)>

**Subject:** FOIAs

We need to meet to develop a better system on FOIAs.

Let me know when you're available.

Ryan Jackson  
Chief of Staff  
U.S. Environmental Protection Agency  
(202) 564-6999

**From:** [Shenefiel, Pam](#)  
**To:** [Grogard, Megan](#); [Moser, Rebecca](#)  
**Cc:** [Jones, Monica](#); [Johnston, Robert](#); [Ellis, John](#); [Jones-Parra, Lisa](#); [Simon, Harvey](#); [Fine, Steven](#); [Byrd, Jonda](#); [Gottesman, Larry](#)  
**Subject:** RE: Meeting 3 14 on ACTION: Sasse Congressional Letter  
**Date:** Thursday, March 9, 2017 1:11:56 PM

---

Hi Megan –

I think that you meant to copy Larry Gottesman and Jonda Byrd on this one since it deals with FOIA. We have another congressional inquiry dealing with us of non-official email accounts that Robert and John are working on.

Please ask OCIR invite Rebecca, Jonda Byrd and Larry Gottesman to the meeting. Could OCIR also have a call in number on the invitation for Jonda to join via phone from Cincinnati? Thanks.

---

**From:** Grogard, Megan  
**Sent:** Thursday, March 09, 2017 12:49 PM  
**To:** Moser, Rebecca <Moser.Rebecca@EPA.GOV>  
**Cc:** Jones, Monica <Jones.Monica@epa.gov>; Johnston, Robert <Johnston.Robert@epa.gov>; Ellis, John <Ellis.john@epa.gov>; Shenefiel, Pam <shenefiel.pam@epa.gov>; Jones-Parra, Lisa <Jones-Parra.Lisa@epa.gov>; Simon, Harvey <Simon.Harvey@epa.gov>; Fine, Steven <fine.steven@epa.gov>  
**Subject:** Meeting 3/14 on ACTION: Sasse Congressional Letter  
**Importance:** High

Hi Rebecca,

I am following up to ask if you or others from your staff would be available to participate in a meeting to discuss the Sasse Congressional on **Tuesday, March 14, from 3:30 – 4:00 in Room 3428 WJC North (OCIR Space).**

Please advise.

Thanks,

Megan

~~~~~  
**Megan Grogard**

Senior Advisor to the Acting Principal

Deputy Assistant Administrator

Office of Environmental Information

U.S. Environmental Protection Agency

**Phone: 202-564-6812**

Cell: 202-834-8385

---

**From:** Dickerson, Tom

**Sent:** Thursday, March 09, 2017 12:25 PM

**To:** Grogard, Megan <[Grogard.Megan@epa.gov](mailto:Grogard.Megan@epa.gov)>

**Cc:** Williams, Thea <[Williams.Thea@epa.gov](mailto:Williams.Thea@epa.gov)>; Aarons, Kyle <[Aarons.Kyle@epa.gov](mailto:Aarons.Kyle@epa.gov)>; Moody, Christina <[Moody.Christina@epa.gov](mailto:Moody.Christina@epa.gov)>; Jones-Parra, Lisa <[Jones-Parra.Lisa@epa.gov](mailto:Jones-Parra.Lisa@epa.gov)>

**Subject:** RE: ACTION: Sasse letter

Thanks, Megan. **(b)(5) deliberative process**

**(b)(5) deliberative process**

Tom Dickerson

Office of Congressional Relations

U.S. Environmental Protection Agency

(202) 564-3638

---

**From:** Grogard, Megan

**Sent:** Thursday, March 09, 2017 10:57 AM

**To:** Dickerson, Tom <[Dickerson.Tom@epa.gov](mailto:Dickerson.Tom@epa.gov)>

**Cc:** Williams, Thea <[Williams.Thea@epa.gov](mailto:Williams.Thea@epa.gov)>; Aarons, Kyle <[Aarons.Kyle@epa.gov](mailto:Aarons.Kyle@epa.gov)>; Moody, Christina <[Moody.Christina@epa.gov](mailto:Moody.Christina@epa.gov)>; Jones-Parra, Lisa <[Jones-Parra.Lisa@epa.gov](mailto:Jones-Parra.Lisa@epa.gov)>

**Subject:** RE: ACTION: Sasse letter

Good Morning Tom,

The OEI folks are not available to participate in the proposed discussion tomorrow, but wanted to let you know that the FOIA folks are already working on a one or two paragraph response to address Action #7, as outlined below. We should have a DRAFT response by Monday afternoon for consideration.

7. Protect the Privacy of Farmers and Ranchers: In 2013, EPA responded to a Freedom of Information Act (FOIA) request by releasing sensitive, private and personal information relating to more than 100,000 farmers and ranchers, including individuals from Nebraska. In a unanimous ruling, the Eighth Circuit Court of Appeals noted that EPA "abused its discretion in deciding that the information at



issue was not exempt from mandatory disclosure under Exemption 6 of FOIA." Exemption 6 relates to "information involving matters of personal privacy (protected under the Privacy Act or contains sensitive personally identifiable information)."

a. Please conduct a comprehensive and immediate review of all EPA FOIA practices so that the agency does not release or otherwise distribute the private information of my constituents in violations of FOIA exemptions.

Please let me know if you have questions or additional information to share.

Thanks,

Megan

~~~~~

**Megan Grogard**

Senior Advisor to the Acting Principal

Deputy Assistant Administrator

Office of Environmental Information

U.S. Environmental Protection Agency

**Phone: 202-564-6812**

Cell: 202-834-8385

-----Original Message-----

From: Moody, Christina

Sent: Wednesday, March 08, 2017 12:10 PM

To: Grogard, Megan <[Grogard.Megan@epa.gov](mailto:Grogard.Megan@epa.gov)>; Jones-Parra, Lisa <[Jones-Parra.Lisa@epa.gov](mailto:Jones-Parra.Lisa@epa.gov)>; Prabhu, Aditi <[Prabhu.Aditi@epa.gov](mailto:Prabhu.Aditi@epa.gov)>; Kime, Robin <[Kime.Robin@epa.gov](mailto:Kime.Robin@epa.gov)>

Cc: Williams, Thea <[Williams.Thea@epa.gov](mailto:Williams.Thea@epa.gov)>; Aarons, Kyle <[Aarons.Kyle@epa.gov](mailto:Aarons.Kyle@epa.gov)>; Dickerson, Tom <[Dickerson.Tom@epa.gov](mailto:Dickerson.Tom@epa.gov)>

Subject: ACTION: Sasse letter

Importance: High

Good Afternoon,

Attached please find a letter from Senator Ben Sasse raising issues that span various programs. Because of the cross cutting nature of the letter, OCIR is requesting programs to provide a one - two paragraph (if appropriate, more if necessary) response to the specific question(s) that it has been assigned via email. Please ensure that the responses have been through the appropriate review up to the AA/Acting AA before sending them to OCIR for review. Program assignments are:

OGC: #3 & 4

OP: #6

OEI: #7

OCIR would like to have responses no later than noon Friday, March 17th, via email. We will collate a complete letter here that includes all programmatic responses as a transmittal back to the Senator's office.

Let me know if you have questions.

Thanks in advance for your assistance on this lift.

Kind Regards,

Christina J. Moody

US Environmental Protection Agency

[Moody.Christina@epa.gov](mailto:Moody.Christina@epa.gov)

**From:** [Gottesman, Larry](#)  
**To:** [Fine, Steven](#)  
**Cc:** [Byrd, Jonda](#); [Moser, Rebecca](#)  
**Subject:** Re: other agencies" FOIA processes  
**Date:** Friday, June 23, 2017 7:05:03 AM

---

The short answer is yes. (b)(5) deliberative process

**(b)(5) deliberative process**

**(b)(5) deliberative process**

I am aware of some best practices at other agencies which we can discuss in detail if you would like.

Thanks for asking.

Larry F. Gottesman  
Agency FOIA Officer  
U.S. Environmental Protection Agency  
Sent from my iPhone

On Jun 22, 2017, at 8:38 PM, Fine, Steven <[fine.steven@epa.gov](mailto:fine.steven@epa.gov)> wrote:

Larry,

Have you previously talked to other agencies about how they process FOIAs? If so, have you taken that information into account for your proposal for how to improve coordination of processing?

Thanks.

Steve



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUL 12 2017

OFFICE OF  
ENVIRONMENTAL INFORMATION

The Honorable Michael F. Bennet  
United States Senate  
Washington, D.C. 20510

Dear Senator Bennet:

Thank you for your letter addressed to Kevin Minoli, Acting General Counsel, dated March 15, 2017, regarding the EPA's implementation of the Freedom of Information Act (FOIA), and the new requirements resulting from the FOIA Improvement Act of 2016 (Act). As my office is responsible for EPA's FOIA program, I have been asked to respond on behalf of the Agency.

EPA receives an average of 10,500 FOIA requests from the public each year. The Agency has experienced an increase in the number and complexity of FOIA requests received so far in FY 2017. Based on the current rate of incoming FOIA requests in FY 2017, as compared to FY 2016, EPA is on track to receive approximately 10 percent more requests.

The Agency has taken a number of steps over the last few years to ensure the efficient management of FOIA responses. In 2012, the EPA played a key role in the development of FOIAonline, which is a shared-service FOIA processing and management tool used by multiple agencies, including the EPA, to manage FOIA responses. The EPA uses the system to track the processing of requests, to communicate with requesters regarding their requests, and to publicly post all documents appropriate for release to the public for anyone to access. Through its use of FOIAonline, the EPA has met the Act's codification of the "Rule of Three," which requires that documents that have been requested three or more times be available for public inspection. Since deployment of FOIAonline on October 1, 2012, the Agency has made approximately 831,405 records publicly available. In late 2014, the EPA established the FOIA Expert Assistance Team Office to assist Agency program and regional offices in responding to some of the largest and most complex FOIA requests received by the Agency. The Agency released hundreds of thousands of records to the public pursuant to FOIA in FY 2016.

At the EPA, FOIA is every employee's responsibility. The National FOIA Program located in EPA Headquarters supports FOIA staff in both headquarters and in each of the EPA's ten regional offices. The EPA has also created National FOIA Procedures for processing requests at the Agency, and each EPA program and regional office has created conforming procedures. Annual FOIA training is provided to all Agency employees, enabling all staff to play a critical role in processing FOIA requests. Through annual FOIA training, staff have been, and continue to be, instructed to apply the "foreseeable harm" standard now codified by the Act. The Agency has also been making strides in reducing its backlogs and successfully closed nine of the ten oldest FOIA requests and all ten of the Agency's ten-oldest appeals in FY 2016.

Internet Address (URL) • <http://www.epa.gov>

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on 100% Postconsumer, Process Chlorine Free Recycled Paper

After the Act was passed, the EPA took steps to implement the new requirements of the Act. The EPA includes language in all final FOIA responses that reflects the requirement that requesters now have 90 days to file an administrative appeal, as opposed to 30 days, and that requesters can obtain assistance from the FOIA Public Liaison and the Office of Government Information Services. The EPA also has discussed the requirements of the Act at monthly meetings of FOIA professionals across the Agency. The Agency's FY 2017 FOIA training, which is mandatory for all employees, includes a section that discusses the key components of the Act.

Finally, members of my staff are working with the EPA's Office of General Counsel to develop proposed revisions to the EPA's FOIA regulations. We also plan to update the Agency's National FOIA Procedures to reflect the final regulations which will address, among other things, the requirements of the 2016 amendments to FOIA. The National FOIA Office and the Office of General Counsel are also planning a national FOIA training conference for EPA FOIA staff and attorneys in September 2017.

Detailed information regarding the number of incoming requests, backlog, and estimated costs relating to FOIA can be found in EPA's FOIA Annual Reports submitted annually to the Department of Justice. Reports dating back to 2007 are available at <https://www.epa.gov/foia/foia-reports#annual>. Since the FY 2018 budget has not yet been passed, it is premature to comment on FY 2018 funding or staffing at this time.

Again, thank you for your letter. If you have any additional questions, please contact me or your staff may contact Kyle Aarons in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-3638 or [Aarons.Kyle@epa.gov](mailto:Aarons.Kyle@epa.gov).

Sincerely,

A handwritten signature in cursive script that reads "Steven Fine".

Steven Fine, Ph.D.  
Acting Assistant Administrator  
and Acting Chief Information Officer